

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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| <p>ELEANOR AND RALPH SCHIANO,</p> <p>Plaintiffs,</p> <p>v.</p> <p>MBNA, et al.,</p> <p>Defendants.</p> | <p>Civil Action No. 05-1771 (JLL)</p> <p>ORDER ADOPTING AUGUST 14, 2012 REPORT AND RECOMMENDATION</p> |
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LINARES, District Judge.

This matter comes before the Court on Defendant Pressler & Pressler, LLP (“Pressler”)’s motion to compel arbitration. (CM/ECF No. 312.) On August 14, 2012, U.S. Magistrate Judge Michael A. Hammer issued a Report and Recommendation suggesting that this Court grant Pressler’s motion. (CM/ECF No. 339.) On August 23, 2012, Plaintiffs filed a Statement of Qualified Objection to Magistrate Judge Hammer’s Report and Recommendation. (CM/ECF No. 342.) In it, Plaintiffs noted their “objection for the record,” but agreed to proceed with “the Court’s arbitration order.” (*Id.* at 2.) Additionally, Plaintiffs neither specifically identified any portion of the Report and Recommendation to which they objected, nor did they provide any legal basis for their qualified objection. *See* Local Civ. R. 72.1(c)(2) (noting that a party objecting to a magistrate judge’s findings, recommendations, or report “shall specifically identify the [objectionable] portions,” and provide “the basis” for objecting). Instead, Plaintiffs have requested that this Court (1) order Bank of America Corp. to cooperate with Plaintiffs’ discovery requests in the arbitration; (2) make a determination as to which party should advance arbitration

fees; and (3) refrain from allowing Pressler to make claims against them before the arbitration panel.

Having reviewed the Report and Recommendation, and for good cause shown,
IT IS on this 17 day of September, 2012


ORDERED that this Court hereby ADOPTS Magistrate Judge Hammer's August 14, 2012 Report and Recommendation as the findings of fact and conclusions of law of this Court; and it is further

ORDERED that the issue of arbitration fees shall be raised before, and decided by the arbitration panel; and it is further

ORDERED that all discovery matters pertaining to Bank of America Corp. shall be referred to Magistrate Judge Hammer; and it is further

ORDERED that matters concerning which claims the parties may bring before the arbitration panel are to be raised before said panel.

SO ORDERED.


JOSE L. LINARES
U.S. DISTRICT JUDGE